

OCT 07 2020

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF VENTURA

KENNETH DePRIMA,

Plaintiff,

v.

HUMMINGBIRD INN, business form  
unknown; ROYAL ELK, INC.; and DOES 1  
to 50, inclusive,

Case No:

COMPLAINT FOR  
PERSONAL INJURIES

Plaintiff, KENNETH DePRIMA, alleges as follows:

1. At all times herein mentioned, plaintiff was and is a resident of Ventura County, California.

2. Plaintiff is informed and believes and based thereon alleges that Defendants HUMMINGBIRD INN, business form unknown, ROYAL ELK, INC. and DOES 1 to 50, inclusive, were and are business entities, doing business in California in the County of Ventura.

3. The true names and capacities, whether individual, corporate, associate or

JR

1 otherwise, of defendants DOES 1 through 50, inclusive, and each of them, are unknown to  
2 plaintiff at this time. Plaintiff therefore sues said defendants by such fictitious names, and  
3 plaintiff will amend this complaint to allege their true names and capacities when the same  
4 are ascertained. All named and fictitiously named defendants herein are sued as principals  
5 and/or agents, servants and employees of each other defendant, and the acts performed by  
6 them were within the course and scope of activities as a principal or of their agency and  
7 employment. Each named and fictitiously named defendant or any other party who may  
8 ultimately appear herein was in some manner absolutely, strictly, intentionally, negligently or  
9 otherwise legally responsible in some manner for tortious or otherwise actionable acts  
10 alleged herein. Does 1 through 30, are responsible for among the other reasons, they  
11 incorrectly and dangerously maintained the area alleged to be dangerous in this complaint.  
12

13 4. At all times herein mentioned, defendants HUMMINGBIRD INN, business form  
14 unknown, ROYAL ELK, INC., and DOES 1 to 50, inclusive, owned, possessed, managed,  
15 controlled, operated, were tenants in possession and control of, and incorrectly and  
16 dangerously maintained, certain premises located at or near 1208 East Ojai Avenue, Ojai,  
17 California, and conducted thereon a business open to the general public, and invited  
18 members of the public, and those such as plaintiff, to come onto the common areas of the  
19 business to provide services to its customers.  
20

21 5. Plaintiff was on said premises as a customer and for the benefit of the  
22 defendants, and each of them on or about October 12, 2018. At said time and place, the  
23 defendants, and each of them, so negligently owned, maintained, controlled, managed,  
24 repaired, designed, built and operated said premises, that dangerous and defective  
25 conditions, including but not limited to, the presence of a tripping hazard in the walkway  
26 area consisting of cracked tile and missing pieces of tile flooring creating edges that stuck  
27 up over 1 inch beyond the surrounding surface, was caused to be located in an area where  
28 customers usually walked. As a result of the negligence and carelessness of the

1 defendants, and each of them, in causing said safety hazzard to be at said location, and in  
2 failing to properly inspect said area and remove and/or replace said dangerous conditions  
3 from the area, plaintiff, while making his way tripped, causing plaintiff to fall with such force  
4 that plaintiff sustained serious and permanent injuries and damages hereinafter alleged.  
5 The dangerous condition was difficult to see because it was an elevated line, in a sea of  
6 lines that made up the rest of the tile pattern, the customers had to walk across to access  
7 their motel rooms from the street.

8  
9 6. Plaintiff alleges that defendants, and each of them, were, or should have  
10 been, aware of the dangerous conditions created by said conditions on the commercial  
11 premises, and that for an extended period of time prior to plaintiff's incident, the defendants  
12 knew of and negligently and carelessly failed to properly inspect the premises and remove  
13 and/or replace said conditions in order to prevent the type of occurrence which happened to  
14 the plaintiff. Plaintiff alleges that said defendants retained control over the premises and  
15 had the duty to avoid said dangerous conditions, and to promptly remove and/or repair such  
16 conditions when they were discovered pursuant to the diligent inspection which should have  
17 been conducted by the defendants. If said defendants had exercised reasonable care in  
18 inspecting said premises, they would have discovered said conditions in time to remedy  
19 them or give warning to the plaintiff before his injury occurred.

20  
21 7. As a proximate result of said negligence and other liability, plaintiff was injured  
22 in his health, strength, and activity, sustaining bodily injuries and shock to his nervous  
23 system, which have caused, and will cause his great mental and physical pain and  
24 suffering, all to plaintiff's general damage in a sum to be determined according to proof at  
25 trial.

26  
27 8. As a further proximate result of said negligence and other liability of  
28 defendants, and each of them, plaintiff has incurred and will continue to incur medical and

related expenses, including for surgery and injections, the full amount of which are not known to plaintiff at this time, and plaintiff will amend this complaint to state such amount when the same becomes known to plaintiff, or on proof thereof at the time of trial.

9. As a further proximate result of said negligence and other liability of defendants, and each of them, plaintiff has incurred and will continue to incur loss of income and loss of earning capacity and related expenses, the full amount of which are not known to plaintiff at this time, and plaintiff will amend this complaint to state such amount when the same becomes known to plaintiff, or on proof thereof at the time of trial.

10. Plaintiff alleges he is entitled to pre-judgment interest according to law.


WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as follows:

1. For general damages within the jurisdiction of this court, according to proof;
2. For medical and related expenses both past and future according to proof;
3. For loss of earnings and earning capacity both past and future according to proof at trial;
4. For pre-judgment interest according to law;
5. For costs of suit incurred herein, including but not limited statutory costs, costs of experts after denial of CCP 998 demands, costs of proving facts after denial of Request for Admissions.
6. For such other and further relief as the Court may deem just and proper.

DATED: September 23, 2020.

LAW OFFICES OF RICHARD R. BREDLAU

By

  
RICHARD R. BREDLAU  
Attorney for Plaintiff